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EXAMINER

MILIA, MARK R

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/531,872	Applicant(s) BERGLIN, PATRIK	
	Examiner Mark R. Milia	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 17-18 and 31-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 17-18 and 31-33, while defining a computer program product, do not define a "computer-readable medium" and is thus non-statutory for that reasons. A computer program product can range from paper on which the program is written, to a program simply contemplated and memorized by a person. The examiner suggests amending the claim to embody the program on "computer-readable medium", as long as support for such an amendment can be found in the specification, in order to make the claim statutory.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Art Unit: 2625

3. Claims 7 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 7 and 25 depend from claims 6 and 24, respectively, and claims 6 and 24 recite wherein said shared resource is a printer and said job is a print job. Claims 7 and 25 then recite wherein the said shared resource is some other device or apparatus and said job is some other type of data. Therefore, claims 7 and 25 are indefinite because the shared resource cannot be a printer and another device or apparatus at the same time. Further, claims 7 and 25 are not properly further limiting.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8, 13-15, 17-24, and 29-33 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,115,132 to Nakatsuma et al., as cited in the IDS dated 4/16/09.

Regarding claim 1, Nakatsuma discloses a method for controlling and monitoring, from a server, transfers of jobs from clients connected in the network to shared resources connected in the network, wherein the steps of: receiving from a client

Art Unit: 2625

connected in the network a request to be allowed to send a job to a selected shared resource connected in the network (see column 5 lines 33-34, column 12 lines 1-23, and column 13 lines 24-30, client computer **102** requests a print start from the server **101**) and checking continuously whether said shared resource connected in the network is accessible and has capacity for receiving a job at present (see column 12 line 54-column 13 line 3, server **101** checks the status of the network printer at a 5 second interval), wherein a go-ahead is sent immediately to the client connected in the network that the client can send the job directly to the selected shared resource if the selected shared resource is accessible and has capacity to receive a job at present (see column 12 lines 33-41, server **101** notifies the client computer **102** when printing by the network printer is possible), the request is placed in a queue for the selected shared resource if the shared resource connected in the network is accessible but at present lacks capacity for receiving a job, the queue is updated continuously, and a go-ahead is sent to the client connected in the network that the client can send the job directly to the selected shared resource when the request has advanced to the first position in said queue and the selected shared resource has capacity to receive a job (see column 14 line 66-column 15 line 53, column 16 lines 58-63, column 17 lines 17-26, and column 18 lines 33-49, a registered job information queue table is used to queue requests for printable indications by the server **101**), and the client connected in the network is notified if the selected shared resource is not accessible (see column 22 lines 15-34), wherein said step of receiving a request from a client connected in the network is followed by assigning an identity to the job, which is notified the client connected in the

Art Unit: 2625

network, and said identity is comprised in the go-ahead, which is sent to the client connected in the network that the client can send the job directly to the selected shared resource, so that the client connected in the network based on said identity is capable of identifying said job (see column 14 line 66-column 15 line 53, column 16 lines 58-63, column 17 lines 17-26, and column 18 lines 33-49, a job ID is used in response to the client computer request for printing when the server gives the client computer the go-ahead), and a confirmation of the fact that the job has been completed successfully by the shared resource or an indication of the fact that the job has not been completed successfully by the shared resource is received from the client, after which said request is removed from said queue (see column 23 lines 11-16 and 50-56 and column 29 lines 24-40).

Regarding claim 19, Nakatsuma discloses a method for transfer a job from a client connected in the network to a shared resource selected by the client among several shared resources connected in the network, wherein the steps of: sending to a server for controlling and monitoring transfers of jobs to shared resources connected in the network, a request to be allowed to send a job directly to the selected shared resource connected in the network, where said server is adapted to assign an identity to the job, which is communicated to the client connected in the network, to place the request in a queue for the selected shared resource, to update the queue continuously, and to give go-ahead to the client connected in the network when he/she is next to send the job to the selected shared resource (see column 5 lines 33-34, column 12 lines 1-23, column 12 line 54-column 13 line 3, column 13 lines 24-30, column 14 line 66-

Art Unit: 2625

column 15 line 53, column 16 lines 58-63, column 17 lines 17-26, and column 18 lines 33-49, client computer **102** requests a print start from the server **101**, server **101** checks the status of the network printer at a 5 second interval, a registered job information queue table is used to queue requests for printable indications by the server **101**), and receiving a message of said identity from said server (see column 13 lines 20-51), preparing and storing said job (see column 12 lines 1-23), receiving a go-ahead from said server that the job may be sent to the selected shared resource, where the go-ahead comprises said identity so that said job can be identified based on said identity (see column 12 lines 33-41, server **101** notifies the client computer **102** when printing by the network printer is possible), sending the job directly to the selected shared resource (see column 13 line 64-column 14 line 5), and receiving from the selected shared resource a confirmation that the job has been completed successfully by the shared resource or an indication of the fact that the job has not been completed successfully by the shared resource, and forwarding this confirmation or indication to the server so that removal of the request from said queue is made possible (see column 23 lines 11-16 and 50-56 and column 29 lines 24-40).

Regarding claim 2, Nakatsuma further discloses wherein updated status information regarding the completion of the job by the shared resource is received from the client connected in the network repetitively between said go-ahead is sent to the client connected in the network and said confirmation that the job has been completed successfully by the shared resource or said indication that the job has not been completed successfully by the shared resource is received, wherein absence of such

updated status information indicates an operation error of the client connected in the network, or a communication error in the communication between the client and the server (see column 23 lines 11-16 and 50-56, updated status information is provided for end of page indication and for job completion).

Regarding claim 3, Nakatsuma further discloses wherein a confirmation that said assigned identity has been received by the client connected in the network, is received (see column 13 lines 40-51, the client computer utilizes the job ID sent from the server to send the print data to network printer for execution).

Regarding claim 4, Nakatsuma further discloses wherein a confirmation that the go-ahead, which is sent to the client connected in the network that he/she may send the job to the selected shared resource directly has been received by the client connected in the network, is received (see column 13 line 64-column 14 line 5, server **101** notifies the client computer **102** that printing may take place and then the client computer sends the print job to the network printer).

Regarding claim 5, Nakatsuma further discloses wherein said confirmation that the go-ahead, which is sent to the client connected in the network that he/she may send the job to the shared resource directly has been received, is also confirmation that the job has been or will be sent to the shared resource directly (see column 13 line 64-column 14 line 5, server **101** notifies the client computer **102** that printing may take place and then the client computer sends the print job to the network printer).

Regarding claim 6, Nakatsuma further discloses wherein said shared resource is a printer and said job is a print job (see Fig. 1 and column 5 lines 26-52).

Regarding claim 8, Nakatsuma further discloses wherein information regarding status of the shared resource is sent to the client connected in the network (see column 5 lines 33-34, column 12 lines 1-23, column 12 line 54-column 13 line 3, column 13 lines 24-30, column 14 line 66-column 15 line 53, column 16 lines 58-63, column 17 lines 17-26, and column 18 lines 33-49, client computer **102** requests a print start from the server **101**, server **101** checks the status of the network printer at a 5 second interval, a registered job information queue table is used to queue requests for printable indications by the server **101**).

Regarding claim 13, Nakatsuma further discloses wherein information of the size of said job is received from the client connected in the network (see column 13 lines 27-30, the amount of data is part of the job information).

Regarding claim 14, Nakatsuma further discloses wherein said information of the size of the said job is received together with said confirmation that said assigned identity has been received (see column 13 lines 24-30 and 40-51, the job information, including the amount of data, is registered in the server along with the job ID).

Regarding claim 15, Nakatsuma further discloses wherein status of the shared resources in the network is checked continuously (see column 12 lines 58-61, server **101** checks the status of the network printer at a 5 second interval).

Regarding claim 17, Nakatsuma further discloses a computer program product downloadable into the internal memory of a server and comprising software code portions for performing the method of claim 1 when said computer program product is executed on said server (see column 7 lines 34-67).

Regarding claim 18, Nakatsuma further discloses a server having the computer program product of claim 17 downloaded (see column 7 lines 34-67).

Regarding claim 20, Nakatsuma further discloses wherein updated status information regarding the completion of the job by the shared resource is sent to said server repetitively between said go-ahead is received from said server and said confirmation that the job has been completed successfully by the shared resource or said indication that the job has not been completed successfully by the shared resource is received from the shared resource and is forwarded to said server, wherein absence of such updated status information on said server indicates an operation error of the client connected in the network, or a communication error in the communication between the client and the server (see column 23 lines 11-16 and 50-56, updated status information is provided for end of page indication and for job completion).

Regarding claim 21, Nakatsuma further discloses wherein a confirmation that said message of said assigned identity has been received, is sent to said server (see column 13 lines 40-51, the client computer utilizes the job ID sent from the server to send the print data to network printer for execution).

Regarding claim 22, Nakatsuma further discloses wherein a confirmation that said go-ahead that the job may be sent to the selected shared resource has been received, is sent to said server (see column 13 line 64-column 14 line 5, server **101** notifies the client computer **102** that printing may take place and then the client computer sends the print job to the network printer).

Regarding claim 23, Nakatsuma further discloses wherein said confirmation that said go-ahead has been received is also confirmation that the job has been or will be sent to the shared resource (see column 13 line 64-column 14 line 5, server **101** notifies the client computer **102** that printing may take place and then the client computer sends the print job to the network printer).

Regarding claim 24, Nakatsuma further discloses wherein said shared resource is a printer and said job is a print job (see Fig. 1 and column 5 lines 26-52).

Regarding claim 29, Nakatsuma further discloses wherein information of the size of said job is sent to said server (see column 13 lines 27-30, the amount of data is part of the job information).

Regarding claim 30, Nakatsuma further discloses wherein said information of the size of the said job is sent to said server together with said confirmation that said assigned identity has been received (see column 13 lines 24-30 and 40-51, the job information, including the amount of data, is registered in the server along with the job ID).

Regarding claim 31, Nakatsuma further discloses a computer program product downloadable into the internal memory of a server and comprising software code portions for performing the method of claim 19 when said computer program product is executed on said server (see column 7 lines 34-67).

Regarding claim 32, Nakatsuma further discloses a client terminal having the computer program product of claim 31 downloaded (see Fig. 1 and column 7 lines 34-67).

Regarding claim 33, Nakatsuma further discloses a network comprising at least one server according to claim 18 (see Fig. 1 and column 7 lines 34-67).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 9-10 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuma as applied to claims 1 and 19 above, and further in view of U.S. Patent Application Publication No. 2002/0067504 to Salgado et al.

Regarding claim 9, Nakatsuma does not disclose expressly wherein a version of client software for the client connected in the network, which relates to communication with the selected shared resource, is stored, information is received from the client connected in the network concerning the version of the client software the client connected in the network is using for communication with the selected shared resource, the versions of the client softwares are compared, and a copy of said stored client software is transferred to or installed on the client connected in the network if said comparison shows that the stored client software is younger than the client software used by the client connected in the network.

Salgado discloses wherein a version of client software for the client connected in the network, which relates to communication with the selected shared resource, is stored (see paragraph 23), information is received from the client connected in the network concerning the version of the client software the client connected in the network is using for communication with the selected shared resource (see paragraph 23), the versions of the client softwares are compared (see paragraph 24), and a copy of said stored client software is transferred to or installed on the client connected in the network if said comparison shows that the stored client software is younger than the client software used by the client connected in the network (see paragraph 24).

Regarding claim 26, Nakatsuma does not disclose expressly wherein information is sent to said server concerning the version of the client software the client connected in the network is using for communication with the selected shared resource, a copy of a client software stored by the server is receive from said server if said copy has a later version number than the version number of the client software the client connected in the network is using.

Salgado discloses wherein information is sent to said server concerning the version of the client software the client connected in the network is using for communication with the selected shared resource (see paragraph 23), a copy of a client software stored by the server is receive from said server if said copy has a later version number than the version number of the client software the client connected in the network is using (see paragraph 24).

Nakatsuma & Salgado are combinable because they are from a similar field of endeavor, utilization of printer drivers.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the automatic upgrading of printer drivers, as described by Salgado, and which is well known and commonly used in the art, with the system of Nakatsuma.

The suggestion/motivation for doing so would have been to ensure proper functionality and correct errors as printer drivers become old and to add or modify features.

Therefore, it would have been obvious to combine Salgado with Nakatsuma to obtain the invention as specified in claims 9 and 26.

Regarding claim 10, Salgado further discloses wherein said information regarding the version of the client software the client connected in the network is using, is received together with said request to be allowed to send a job to the selected shared resource (see paragraphs 22-24, reference states that attempts to automatically update the printer driver can be run at certain predetermined times or upon the occurrence of certain predetermined events, such as when a request to send a job is made).

Regarding claim 27, Salgado further discloses wherein said information regarding the version of the client software the client connected in the network is using, is sent to said server together with said request to be allowed to send a job to the selected shared resource (see paragraphs 22-24, reference states that attempts to

Art Unit: 2625

automatically update the printer driver can be run at certain predetermined times or upon the occurrence of certain predetermined events, such as when a request to send a job is made).

8. Claims 11-12 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuma as applied to claims 1 and 19 above, and further in view of U.S. Patent Application Publication No. 2002/0062453 to Koga.

Regarding claim 11, Nakatsuma discloses wherein said request to be allowed to send a job to the selected shared resource comprises a user domain and a user identity for the client connected in the network (see column 13 lines 24-30).

Nakatsuma does not disclose expressly wherein it is checked that the client connected in the network has authorization to send a job to the selected shared resource, and if the client connected in the network does not have authorization to send a job to the selected shared resource an error code is sent to the client connected in the network.

Koga discloses wherein it is checked that the client connected in the network has authorization to send a job to the selected shared resource (see paragraphs 64, 68-69, and 86-88), and if the client connected in the network does not have authorization to send a job to the selected shared resource an error code is sent to the client connected in the network (see paragraph 137).

Art Unit: 2625

Regarding claim 28, Nakatsuma discloses wherein said request to be allowed to send a job to the selected shared resource comprises a user domain and a user identity for the client connected in the network (see column 13 lines 24-30).

Nakatsuma does not disclose expressly wherein an error code is received from said server if the client connected in the network does not have authorization to send a job to the selected shared resource.

Koga discloses wherein an error code is received from said server if the client connected in the network does not have authorization to send a job to the selected shared resource (see paragraph 137).

Nakatsuma & Koga are combinable because they are from a similar field of endeavor, seeking permission to print a job.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the authentication to send a job to a printer, as described by Koga, and which is well known in the art, with the system of Nakatsuma.

The suggestion/motivation for doing so would have been to provide an arrangement to charge or limit use and improve security.

Therefore, it would have been obvious to combine Koga with Nakatsuma to obtain the invention as specified in claims 11 and 28.

Regarding claim 12, Nakatsuma further discloses wherein if the client connected in the network has authorization to be allowed to send a job to the selected shared resource it is checked which user priority the client connected in the network has, and

Art Unit: 2625

said request is put in said queue depending on the user priority of the client connected in the network (see column 18 lines 33-49, jobs are processed in sequential order).

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakatsuma as applied to claim 1 above, and further in view of U.S. Patent Application Publication No. 2003/0212789 to Hamel et al.

Nakatsuma does not disclose expressly wherein information regarding status of shared resources in the network, information regarding queues and information regarding clients and jobs are continuously copied to a second server for controlling and monitoring of transfers of jobs.

Hamel discloses wherein information regarding status of shared resources in the network, information regarding queues and information regarding clients and jobs are continuously copied to a second server for controlling and monitoring of transfers of jobs (see paragraphs 55-56 and 82-84, reference discloses data replication from one database to another database for tracking and recovery purposes).

Nakatsuma & Hamel are combinable because they are from a similar field of endeavor, tracking and storage of information.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the replication of data held in a database, as described by Hamel, with the system of Nakatsuma.

The suggestion/motivation for doing so would have been to provide a recovery log in the event of an error or loss of data located in the main database.

Therefore, it would have been obvious to combine Hamel with Nakatsuma to obtain the invention as specified in claim 16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark R. Milia whose telephone number is (571)272-7408. The examiner can normally be reached M-F 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached at (571) 272-7437. The fax number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mark R. Milia
Examiner
Art Unit 2625

Application/Control Number: 10/531,872

Page 18

Art Unit: 2625

/Mark R. Milia/

Examiner, Art Unit 2625

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625